

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND**

JIRAH ERIC KELLEY

v.

C.A. NO. 10-233 ML

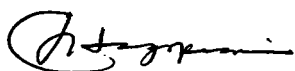
A.T. WALL ET AL.

REPORT AND RECOMMENDATION

Plaintiff Jirah Eric Kelley ("Plaintiff"), *pro se*, an inmate at the Adult Correctional Institutions (the "ACI"), filed a complaint against Rhode Island Department of Corrections Director A.T. Wall and Captain Aceto pursuant to 42 U.S.C. § 1983 on May 24, 2010 (Docket # 1). Simultaneously, Plaintiff filed a motion for leave to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915(a)(2); however, Plaintiff failed to file the required inmate account statement with such motion (Docket # 3). On November 30, 2010, I issued a Memorandum and Order denying Plaintiff's motion for leave to proceed *in forma pauperis* without prejudice and ordering Plaintiff to either pay the filing fee or file the required inmate account statement within 20 days (the "Nov. 30th Order") (Docket # 11). I further noted in the Nov. 30th Order that if Plaintiff failed to comply with the Order, I would recommend that the Complaint be dismissed.

More than 75 days have passed since the issuance of the Nov. 30th Order, and Plaintiff has failed to comply. Plaintiff has neither paid the filing fee nor filed a copy of the required inmate account statement. In fact, Plaintiff has not responded in any way to the Nov. 30th Order. Accordingly, I recommend that the Complaint be DISMISSED without prejudice.

Any objection to this Report and Recommendation must be specific and must be filed with the Clerk of Court within fourteen days of its receipt. Fed R. Civ. P. 72(b); LR Cv 72(d). Failure to file timely, specific objections to this report constitutes waiver of both the right to review by the district court and the right to appeal the district court's decision. *United States v. Valencia-Copete*, 792 F.2d 4, 6 (1st Cir. 1986) (per curiam); *Park Motor Mart, Inc. v. Ford Motor Co.*, 616 F.2d 603, 605 (1st Cir. 1980).



Jacob Hagopian
Senior United States Magistrate Judge
February 15, 2011